

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN M.,

Plaintiff,

Case No. 23-cv-11397
Hon. Matthew F. Leitman

v.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

/

**ORDER (1) GRANTING PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT (ECF No. 11), (2) DENYING DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT (ECF No. 13), AND (3) REMANDING THIS
ACTION FOR FURTHER ADMINISTRATIVE PROCEEDINGS**

In this action, Plaintiff John M. challenges the denial of his application for supplemental security income (SSI) under the Social Security Act. (*See* Compl., ECF No. 1.) John M. and Defendant Commissioner of Social Security have now filed cross-motions for summary judgment. (*See* Mots., ECF Nos. 11, 13.)

On July 30, 2024, the assigned Magistrate Judge issued a Report and Recommendation in which she recommended that the Court grant John M.'s motion, deny the Commissioner's motion, and remand this action to the Commissioner for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). (the "R&R"). (*See* R&R, ECF No. 16.) At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted to seek review of her recommendation,

they needed to file specific objections with the Court within fourteen days. (*See id.*, PageID.1732-1733.)

The Commissioner has not filed any objections to the R&R. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). *See also Ivey v. Wilson*, 832 F.2d 950, 957 (6th Cir. 1987) (explaining that where party fails to file “timely objections” to report and recommendation, court may accept that recommendation “without expressing any view on the merits of the magistrate’s conclusions”). In addition, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because the Commissioner has failed to file any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge’s recommendation to grant John M.’s motion for summary judgment and deny the Commissioner’s motion for summary judgment is **ADOPTED**.

IT IS FURTHER ORDERED that:

- (1) John M.’s motion for summary judgment (ECF No. 11) is **GRANTED**;
- (2) the Commissioner’s motion for summary judgment (ECF No. 13) is **DENIED**; and

(3) this action is **REMANDED** to the Commissioner for further administrative proceedings consistent with the R&R and this order.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: August 21, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 21, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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